

The report of the committee on the Judiciary recommending the rejection of a bill to provide for the collection of interest on open accounts, was read and adopted.

A bill to amend the 16th section of an act entitled an act of limitation, was read, and

On motion of Mr. Potter laid on the table,

A bill for the relief the creditors and Colonists of the German Emigration company, and to indemnify said company for lands given by the State to the Colonists, was read, and

On motion of Mr. Guinn laid on the table until Monday the 11th day of January, 1858.

The report of the Judiciary committee, recommending the indefinite postponement of a bill to provide for the stay of executions upon all judgments, was read, and

On motion of Mr. Caldwell, the bill and report were laid on the table.

A bill to change the time of holding the terms of the District Court in the 2d Judicial District was read, and

On motion of Mr. Caldwell, laid on the table.

A bill for the relief of Henry Stout, was read, and

On motion of Mr. Lott, laid on the table.

The report of the Judiciary committee recommending the rejection of a bill to provide for the incorporation of Colleges, Societies, &c., by general law, was read and adopted.

A bill for the relief of the Washington county Railroad company, was read, and

On motion of Mr. Stockdale, laid on the table.

A bill to incorporate the San Antonio water company, was read, and

On motion of Mr. Lott, laid on the table.

A bill for the relief of B. D. Bassford, was read and

On motion of Mr. Taylor of Cass, referred to the committee on the Judiciary.

On motion of Mr. Taylor of Cass, the Senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, December 30, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed

A bill supplemental to an act to amend the Charter and for the relief of the Houston and Texas Central Railroad Company, passed December —, 1857.

A bill for the relief of Jose Maria Gonzales.

A bill to incorporate the Tellico Manufacturing Company, and a bill to incorporate the Lynchburg Steam Saw Mill and Ship Yard Company, originating in the House ; and that the House had also passed a substitute for a Senate bill to repeal a portion of the 10th section of the act of February 10th, 1852, entitled an act relating to lands in Peters' Colony, and to prohibit patenting upon certificates issued under the provisions of said section of said act, which substitute is entitled a bill to prohibit the location, survey and patenting of certain certificates issued under the provisions of the act of February 10, 1852, entitled an act relating to lands in Peters' Colony.

Mr. Taylor of Cass, presented the petition of Thomas Lundy; referred to the committee on Claims and Accounts.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported a bill to protect persons whose lands are subject to forfeiture, correctly engrossed.

Mr. Stockdale, from the committee on the Judiciary, to which was referred the memorial of John C. Watrous, U. S. District Judge, for the Eastern District of Texas reported a joint resolution urging the trial of the Hon. John C. Watrous upon the articles of impeachment, existing against him in the U. S. Congress, which have heretofore been preferred and allowed to remain untried ; read first time.

Mr. Walker introduced a bill for the relief of Henry Castor of Dallas county ; read first and second times and referred to the committee on Public Lands.

Mr. Britton offered the following resolution :

Resolved, That a Joint Committee consisting of two from the Senate and three from the House, be formed, which shall be styled the committee on Public Grounds—adopted.

Messrs. Britton and Graham, were appointed the committee on the part of the Senate.

Mr. Guinn offered the following resolution :

Resolved, That the Senate will act upon no new business after the 15th of January, except by a four-fifths vote.

The report from the committee of the Judiciary, offering a

substitute for a bill to incorporate the Preachers' Aid Society of the East Texas Conference, was read, substitute adopted and bill ordered to be engrossed.

On motion of Mr. Lott, the rule was suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Hyde, Lott, Pirkey, Potter, Russell, Scarborough, Stockdale, Taylor of Cass, Throckmorton, Truitt, Walker, Wigfall and Wren—21.

NAYS—Mr. Taylor of Fannin—1.

On motion of Mr. Taylor of Cass, the House bill supplemental to an act to amend the Charter, and for the relief of the Houston and Texas Central Railroad Company, passed December —, 1857, was taken up and read first time ; rule suspended, bill read a second time and rejected.

A message was received from the Governor transmitting the following communication :

EXECUTIVE OFFICE, }
AUSTIN, December 28th, 1857. }

Gentlemen of the Senate,

and House of Representatives :

The unpleasant duty devolves on me, of returning to the Senate, in which it originated, the " Act to amend the charter and for the relief of the Houston and Texas Central Railroad Company," with my objections, for your consideration.

On examination of the Act, I find it liable to several objections. It is a question of great doubt, in my mind, whether it is not liable to the objection of containing more than one object.

In the caption of the Act, it is proposed to amend the charter and to grant relief, &c. It is necessary to examine the proposed amendment, and the character of the relief asked, which seem to be separate and distinct propositions, and to have been so regarded in their specification by the caption, in order to cover the ground which it was intended to occupy. The amendment grants the power of extending the Road beyond the limits of the State into the Indian Territory. This is clearly an object outside of the charter, or the power would not now be asked of the Legislature. It is not a relief, but an additional privilege, which is asked. A relief can only imply the change or modification of some provision, presumed to effect, injuriously, the interests of the Company.

Of what it requires, however, to constitute the meaning of relief, is clearly defined in the character of the several propositions of the bill. It is first proposed to grant an additional time for the completion of the second section of the Road ; and again it proposes to validate the certificates, locations, &c., which have been forfeited by virtue of non-compliance of the Company with the conditions of the law under which they were issued. It also proposes the canceling, on certain conditions; of a bond for ten thousand dollars, executed by the Company as a guaranty for the authority of survey, and for the building of a section of railroad within a given specified time. These, as the measures of relief proposed, most surely are very different, in their objects, to an amendment of the charter granting the Company privileges outside of their present charter. Again, a question arises as to the power to validate the title to the land in question, and to cancel the bond, when the law giving them authority, in declaring them forfeited, would seem to have placed the question beyond the volition of the Legislature. If, in the time within which the conditions were to have been fulfilled, the relief and extension had been asked, there could have been no question as to the right of the Legislature to grant it. But this has not been so ; and the question, in regard to the lands, arises, whether the Legislature has the authority to re-invest what the plain letter of the law of their existence has clearly divested. The right to give away or appropriate those lands is not questioned. But it is as to the manner it shall be done, for it is not presumable that they would be given to the Company until the consideration was performed. The bond must occupy a like position with the lands, and if one has been forfeited, so has the other. All must admit that the lands have been public property, and liable to location since the failure of the Company to build the section of road for which they were issued. Both having been created by the same law, its conditions apply to both alike, and, consequently, fall together. But if a question arises as to the first, it cannot as to the last. The power to remit fines and forfeitures is left with the Executive, by the Constitution and the law, and I have no doubt of this being a forfeiture. The law so declares it ; and the only purpose of having it so decreed by the District Courts, must have been to enable the execution to issue, that the bond might be collected. Not so in regard to the lands, because they at once reverted to the State, and, therefore, no decree of Court was necessary.

Again, it may well be doubted if the act is not in violation of the first section of the second article of the Constitution, in another particular ; because, if the bond has not been forfeited, as is contended, the law itself leaves the question to the determination of the Courts. Under these circumstances, I must believe the Legislature is estopped from action on the subject.

H. R. RUNNELS.

On motion of Mr. Britton, the bill and message were laid upon the table.

On motion of Mr. Potter, one hundred and fifty copies of the message were ordered to be printed.

ORDERS OF THE DAY.

A bill authorizing the fund set aside for San Bernard river to be used in the construction of a canal or railroad was read, and on motion of Mr. Potter, laid on the table.

A bill to amend the 1st section of an act to create the county of Palo Pinto, was read and ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read a third time and passed.

A bill to amend the 1st section of an act to create the county of Jack, was read and ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read a third time and passed.

The report of the committee on Counties and County Boundaries, upon the petition of some of the citizens of Medina county, asking a removal of the county seat, recommending its rejection, was read and adopted.

Mr. Caldwell moved a reconsideration of the vote taken on yesterday, ordering the engrossment of a bill to change the time of holding the terms of the District Court in the 2nd Judicial District.

On motion of Mr. Lott, the motion to reconsider was laid on the table.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported,

A bill to remove the disabilities of minority from Wm. Wallace Gordon and Drury C. McGee.

A bill for the relief of Wm. Cravens, and,

A bill for the relief of the heirs of Buford Garrett, correctly engrossed.

Mr Burroughs, from the committee on Enrolled Bills, reported,

A bill for the relief of Joseph Baker.

A bill to incorporate the town of Weatherford, and,

A bill making a contingent appropriation for the support of the State Penitentiary, correctly enrolled, properly signed and this day presented to the Governor.

The report of the committee on Internal Improvements, offering a substitute for a bill for the relief of the Texas Western Railroad Company, and in amendment of the act of incorporation thereof, entitled an act to establish the New Orleans, Texas and Pacific Railway Company, for the extension of the New Orleans, Algiers and Opelousas Railway through Texas, approved 16th February, 1852, and in amendment of the act supplemental to said act, approved February 2, 1854, was read and substitute adopted.

Mr. Potter offered the following as an additional section, to be numbered

Sec. 2. That this act is passed and these privileges are granted upon the following terms and conditions :

First. That said Texas Western Railroad Company abandon all claim or right to land from the State under its charter or any other law of this State, except the act of January 30th, 1854, entitled an act to encourage the construction of Railroads in Texas, by donations of land.

Second. That said Company consent to the repeal of the 15th section of their said act of incorporation, approved 16th February, 1852 ; which said section is hereby repealed.

Third. That said Company shall surrender and renounce all right to any branching privileges, granted by its original charter—adopted.

Mr. Taylor of Cass, offered the following amendment :

Provided, That this Company shall not be entitled to a loan from the School Fund under the provisions of an act to invest the Special School Fund in the bonds of Railroad Companies, passed August 13, 1856.

Pending which, on motion of Mr. Lott, the Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, Dec. 31, 1857.

The Senate met pursuant to adjournment—Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.